

HOUSE BILL NO. 535

INTRODUCED BY C. HARRIS

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE OWNER OR OWNERS OF COAL, URANIUM, METAL, AND OPENCUT MINE OPERATIONS TO SUBMIT A CERTIFICATION TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY ATTESTING TO THE ADEQUACY AND SUFFICIENCY OF FINANCIAL BONDING FOR MINE RECLAMATION."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Annual bond certification -- penalty. (1) The owner or owners of a company, firm, partnership, corporation, sole proprietorship, or any other business organization that has been issued a mine operating permit under this part shall sign and submit to the department director an annual certification that the mine permitted under this part is bonded for the full amount of funds necessary to complete mine reclamation, including any monitoring, remediation, restoration, and any other activities included in the mine reclamation plan.

(2) The department shall provide annually to the owner of each mine permitted under this part a certification affidavit form that must include:

(a) the deadline for submitting the annual certification; and

(b) a statement that the owner or owners have:

(i) personally reviewed the status of the mine operations;

(ii) personally reviewed all available information regarding the actual and necessary costs for the reclamation of the mine operation at the time of certification; and

(iii) certified by signature that the amount of the bond available at the time of certification is sufficient to cover all actual and necessary costs for the reclamation of the mine operation.

(3) The owner or owners shall sign the affidavit form and shall provide a sworn notarized statement certifying under penalty of perjury, as described in 45-7-201, that the information attested to on the affidavit form is true, accurate, and complete.

(4) Action under this section is not a bar to enforcement of this part or of a rule, order, or permit issued under this part by injunction, permit revocation, or other appropriate civil or administrative remedy.

1

2 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
3 integral part of Title 82, chapter 4, parts 2, 3, and 4, and the provisions of Title 82, chapter 4, parts 2,
4 3, and 4, apply to [section 1].

5

6 NEW SECTION. **Section 3. Severability.** If a part of [this act] is invalid, all valid parts that are
7 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its
8 applications, the part remains in effect in all valid applications that are severable from the invalid
9 applications.

10

- END -